ASSEMBLY, No. 2395

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MARCH 4, 2010

Sponsored by:
Assemblyman VINCENT PRIETO
District 32 (Bergen and Hudson)
Assemblyman PETER J. BIONDI
District 16 (Morris and Somerset)
Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

SYNOPSIS
"Geologist Licensing Act."

CURRENT VERSION OF TEXT
As introduced.
AN ACT providing for the licensing of geologists, supplementing
Title 45 of the Revised Statutes and amending various parts of
the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. (New section) This act shall be known and may be cited as
the "Geologist Licensing Act."

2. (New section) As used in this act:
"Board" means the State Board of Geologist Examiners.
"Director" means the Director of the Division of Consumer
Affairs in the Department of Law and Public Safety.
"Geological science" means the science that includes: treatment
of the earth and its origin and history in general; the investigation of
the earth's constituent rocks, minerals, solids, fluids, including
surface and underground waters, gases and other materials; and the
study of the natural agents, forces, and processes that cause changes
in the earth.
"Licensed geologist" means a person who is licensed pursuant to
the provisions of this act.
"Practice of geological science" means performance of
geological service or work including, but not limited to, collection
of geological data, consultation, investigation, evaluation,
interpreting, planning, geological mapping, or inspection relating to
a service or work that applies to geological science.

3. (New section) a. There is created within the Division of
Consumer Affairs in the Department of Law and Public Safety the
State Board of Geologist Examiners. The board shall consist of
nine members who are residents of this State, two of whom shall be
public members appointed pursuant to the provisions of subsection
b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom
shall be from a department in the Executive Branch of State
Government, appointed in fulfillment of the requirement of
subsection c. of that section. The remaining six members shall have
been actively engaged in the practice of geological science for at
least five years immediately preceding their appointment, and,
except for the members first appointed, shall be licensed geologists.

b. The Governor shall appoint each member, other than the
State executive department member, for a term of three years,
except that of the geologists first appointed, two shall serve for
terms of three years, two shall serve for terms of two years and two
shall serve for terms of one year. Any vacancy in the membership

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
shall be filled for the unexpired term in the manner provided by the
original appointment. No member of the board may serve more
than two successive terms in addition to any unexpired term to
which he has been appointed. The Governor may remove any
member of the board, other than the State executive department
member, for cause.

c. Members of the board shall be compensated and reimbursed
for actual travel, incidental, and clerical expenses necessarily
incurred in carrying out the provisions of this act.

4. (New section) The board shall organize within 30 days after
the appointment of its members and shall annually elect from
among its members a chairperson and a vice-chairperson. The
board shall meet twice a year and may hold additional meetings as
necessary to discharge its duties. A majority of the board
membership shall constitute a quorum.

5. (New section) The board shall, in addition to such other
powers and duties as it may possess by law:
   a. Review the qualifications of applicants for licensure;
   b. Adopt a code of ethics;
   c. Insure the proper conduct and standards of examinations;
   d. Issue and renew biennial licenses for geologists pursuant to
   this act;
   e. Adopt rules and regulations pursuant to the "Administrative
   Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
deeem necessary to enable it to perform its duties under, and to
enforce the provisions of, this act;
   f. Maintain a record of every geologist licensed in this State,
   their place of business, and the date and number of their license;
   and
   g. Prescribe or change the charges for examinations,
certifications, licensures, renewals and other services performed
pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).

6. (New section) No person shall engage in the practice of
geological science as a licensed geologist or present, call or
represent himself as a licensed geologist unless licensed in
accordance with the provisions of this act.

7. (New section) The provisions of this act shall not apply to
any person licensed by the State as a professional engineer or land
surveyor who is acting within the scope of his profession.

8. (New section) To be eligible to be licensed as a geologist,
an applicant shall fulfill the following requirements:
   a. Be of good moral character;
   b. (1) Have received a baccalaureate or higher academic
degree from a college or university accredited by an agency 
recognized by the United States Department of Education, and 
completed not less than three years of board-approved geologic 
experience, which shall include a minimum of one year of 
geological work under the supervision of a geologist licensed in this 
State, or under the supervision of others who, in the opinion of the 
board, are qualified to have responsible charge of geological work; 
or 
(2) Have completed 30 semester hours in geological science or 
related courses approved by the board, of which 24 semester hours 
are in the junior or senior year or at the graduate level, and no less 
than five years of geologic experience approved by the board; or 
(3) Have completed at least 10 years of practical geologic 
experience approved by the board. Each complete year of study in 
a curriculum approved by the board may be accepted as one half 
year of experience, up to a minimum of two years of experience; 
and 
c. Have successfully passed an examination covering the 
fundamentals and practice of geological science administered or 
approved by the board. 
d. In lieu of the professional experience required under 
subsection b. of this section, the following credentials may be 
substituted: 
(1) One year of professional experience will be credited to an 
applicant with a master's degree in geological science from an 
accredited college or university; or 
(2) Two years of professional experience will be credited to an 
applicant with a doctorate in geological science from an accredited 
college or university. 

However, no applicant holding an advance degree in geological 
science may receive more than two years of credit toward 
satisfaction of the professional experience requirement. 

9. (New section) All licenses shall be issued for a two-year 
period upon the payment of the licensure fee prescribed by the 
board and shall be renewed upon filing of a renewal application and 
the payment of a licensure fee. 

10. (New section) Upon payment to the board of a fee and the 
submission of a written application on forms prescribed by it, the 
board shall license without examination a geologist who is licensed, 
registered or certified by another state or possession of the United 
States or the District of Columbia which has standards substantially 
equivalent to those of this State. 

11. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read 
as follows: 
1. The provisions of this act shall apply to the following boards
and commissions: the New Jersey State Board of Accountancy, the
New Jersey State Board of Architects, the New Jersey State Board
of Cosmetology and Hairstyling, the Board of Examiners of
Electrical Contractors, the New Jersey State Board of Dentistry, the
State Board of Mortuary Science of New Jersey, the State Board of
Professional Engineers and Land Surveyors, the State Board of
Marriage and Family Therapy Examiners, the State Board of
Medical Examiners, the New Jersey Board of Nursing, the New
Jersey State Board of Optometrists, the State Board of Examiners of
Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
Pharmacy, the State Board of Professional Planners, the State Board
of Psychological Examiners, the State Board of Examiners of
Master Plumbers, the New Jersey Real Estate Commission, the
State Board of Court Reporting, the State Board of Veterinary
Medical Examiners, the Radiologic Technology Board of
Examiners, the Acupuncture Examining Board, the State Board of
Chiropractic Examiners, the State Board of Respiratory Care, the
State Real Estate Appraiser Board, the State Board of Social Work
Examiners, the State Board of Examiners of Heating, Ventilating,
Air Conditioning and Refrigeration Contractors, the State Board of
Physical Therapy Examiners, the Orthotics and Prosthetics Board of
Examiners, the New Jersey Cemetery Board, the State Board of
Polysomnography, the New Jersey Board of Massage and
Bodywork Therapy, the State Board of Geologist Examiners, the
Genetic Counseling Advisory Committee and any other entity
hereafter created under Title 45 to license or otherwise regulate a
profession or occupation.
(cf: P.L.2009, c.41, s.11)

12. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
as follows:

1. The provisions of this act shall apply to the following boards
and commissions: the New Jersey State Board of Accountancy, the
New Jersey State Board of Architects, the New Jersey State Board
of Cosmetology and Hairstyling, the Board of Examiners of
Electrical Contractors, the New Jersey State Board of Dentistry, the
State Board of Mortuary Science of New Jersey, the State Board of
Professional Engineers and Land Surveyors, the State Board of
Marriage and Family Therapy Examiners, the State Board of
Medical Examiners, the New Jersey Board of Nursing, the New
Jersey State Board of Optometrists, the State Board of Examiners of
Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
Pharmacy, the State Board of Professional Planners, the State Board
of Psychological Examiners, the State Board of Examiners of
Master Plumbers, the State Board of Court Reporting, the State
Board of Veterinary Medical Examiners, the Radiologic
Technology Board of Examiners, the Acupuncture Examining
Board, the State Board of Chiropractic Examiners, the State Board
of Respiratory Care, the State Real Estate Appraiser Board, the New
Jersey Cemetery Board, the State Board of Social Work Examiners,
the State Board of Examiners of Heating, Ventilating, Air
Conditioning and Refrigeration Contractors, the State Board of
Physical Therapy Examiners, the State Board of Polysomnography,
the Orthotics and Prosthetics Board of Examiners, the New Jersey
Board of Massage and Bodywork Therapy, the State Board of
Geologist Examiners, the Genetic Counseling Advisory Committee
and any other entity hereafter created under Title 45 to license or
otherwise regulate a profession or occupation.
(cf: P.L.2009, c.41, s.12)

13. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
as follows:

2. The provisions of this act shall apply to the following boards
and all professions or occupations regulated by, through or with the
advice of those boards: the New Jersey State Board of
Accountancy, the New Jersey State Board of Architects, the New
Jersey State Board of Cosmetology and Hairstyling, the Board of
Examiners of Electrical Contractors, the New Jersey State Board of
Dentistry, the State Board of Mortuary Science of New Jersey, the
State Board of Professional Engineers and Land Surveyors, the
State Board of Marriage and Family Therapy Examiners, the State
Board of Medical Examiners, the New Jersey Board of Nursing, the
New Jersey State Board of Optometrists, the State Board of
Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
the Board of Pharmacy, the State Board of Professional Planners,
the State Board of Psychological Examiners, the State Board of
Examiners of Master Plumbers, the State Board of Court Reporting,
the State Board of Veterinary Medical Examiners, the State Board
of Chiropractic Examiners, the State Board of Respiratory Care, the
State Real Estate Appraiser Board, the State Board of Social Work
Examiners, the State Board of Examiners of Heating, Ventilating,
Air Conditioning and Refrigeration Contractors, the State Board of
Physical Therapy Examiners, the State Board of Polysomnography,
the Professional Counselor Examiners Committee, the New Jersey
Cemetery Board, the Orthotics and Prosthetics Board of Examiners,
the Occupational Therapy Advisory Council, the Electrologists
Advisory Committee, the Acupuncture Advisory Committee, the
Alcohol and Drug Counselor Committee, the Athletic Training
Advisory Committee, the Certified Psychoanalysts Advisory
Committee, the Fire Alarm, Burglar Alarm, and Locksmith
Advisory Committee, the Home Inspection Advisory Committee,
the Interior Design Examination and Evaluation Committee, the
Hearing Aid Dispensers Examining Committee, the Landscape
Architect Examination and Evaluation Committee, the Perfusionists
Advisory Committee, the Physician Assistant Advisory Committee,
the Audiology and Speech-Language Pathology Advisory
Committee, the New Jersey Board of Massage and Bodywork Therapy, the State Board of Geologist Examiners, the Genetic Counseling Advisory Committee and any other entity hereafter created under Title 45 to license or otherwise regulate a profession or occupation.

(cf: P.L.2009, c.41, s.13)

14. This act shall take effect immediately, except that section 6 of this act shall take effect on the 360th day following the effective date.

STATEMENT

This bill provides for the licensing of geologists and establishes the State Board of Geologist Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety to oversee their licensure. The board, to be appointed by the Governor, is to consist of nine members as follows: six licensed geologists, except for those geologists first appointed; two public members; and one member from a department in the Executive Branch of State Government.

"Geological science" is defined in the bill as the science that includes: treatment of the earth and its origin and history in general; the investigation of the earth's constituent rocks, minerals, solids, fluids, including surface and underground waters, gases and other materials; and the study of the natural agents, forces, and processes that cause changes in the earth. As defined in the bill, "practice of geological science" means performance of geological service or work including, but not limited to, collection of geological data, consultation, investigation, evaluation, interpreting, planning, geological mapping, or inspection relating to a service or work that applies to geological science.

To be eligible for a geologist's license, an applicant must: be of good moral character; have received a baccalaureate or higher academic degree from a college or university, and completed not less than three years of board-approved geologic experience, which shall include a minimum of one year of geological work under the supervision of a geologist licensed in this State, or under the supervision of others who, in the opinion of the board, are qualified to have responsible charge of geological work; or have completed 30 semester hours in geological science or related courses approved by the board, of which 24 semester hours are in the junior or senior year or at the graduate level, and no less than five years of geologic experience approved by the board; or have completed at least 10 years of practical geologic experience approved by the board; and have successfully passed an examination administered or approved by the board covering the fundamentals and practice of geological
science. In regard to the above professional experience requirement, the following credentials may be substituted: one year of professional experience will be credited to an applicant with a master's degree in geological science from an accredited college or university and two years of professional experience will be credited to an applicant with a doctorate in geological science from an accredited college or university.

The bill stipulates that no person shall engage in the practice of geological science as a licensed geologist or present, call or represent himself as a licensed geologist unless licensed in accordance with the provisions of this bill. The bill also specifies that its provisions shall not apply to persons licensed by the State as professional engineers or land surveyors who are acting within the scope of their profession.

In addition, the bill provides that the provisions of P.L. 1978, c.73 (C.45:1-14 et seq.), which is the uniform enforcement act for professional and occupational licensing boards under the jurisdiction of the division and also establishes uniform standards for revocation, suspension and other disciplinary sanctions, applies to applicants and licensees of the State Board of Geologist Examiners.